

103D CONGRESS
1ST SESSION

H. R. 672

To provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Mr. FISH (for himself, Mr. GILMAN, Mr. MANTON, Mr. SHAYS, and Mr. ENGEL) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Ways and Means, and Rules

A BILL

To provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Northern Ireland Fair
5 Employment Practices Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Overall unemployment in Northern Ireland
9 exceeds 15 percent.

1 (2) Unemployment in some neighborhoods of
2 Northern Ireland comprised of religious minorities
3 has exceeded 70 percent.

4 (3) The British Government Fair Employment
5 Commission (F.E.C.), formerly the Fair Employ-
6 ment Agency (F.E.A.), has consistently reported
7 that a member of the minority community is 2½
8 times more likely to be unemployed than a member
9 of the majority community.

10 (4) The Investor Responsibility Research Cen-
11 ter (IRRC), Washington, DC, lists 40 United States
12 companies with more than 10 employees, 30 with 10
13 or fewer employees, and 4 privately held companies
14 with 10 or fewer employees, doing business in
15 Northern Ireland.

16 (5) The religious minority population of North-
17 ern Ireland is frequently subject to discriminatory
18 hiring practices by United States businesses which
19 have resulted in a disproportionate number of mi-
20 nority individuals holding menial and low-paying
21 jobs.

22 (6) The MacBride Principles are a nine point
23 set of guidelines for fair employment in Northern
24 Ireland which establishes a corporate code of con-
25 duct to promote equal access to regional employment

1 but does not require disinvestment, quotas, or re-
2 verse discrimination.

3 **SEC. 3. RESTRICTION ON IMPORTS.**

4 An article from Northern Ireland may not be entered,
5 or withdrawn from warehouse for consumption, in the cus-
6 toms territory of the United States unless there is pre-
7 sented at the time of entry to the customs officer con-
8 cerned documentation indicating that the enterprise which
9 manufactured or assembled such article was in compliance
10 at the time of manufacture with the principles described
11 in section 5.

12 **SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRIN-**
13 **CIPLES.**

14 (a) COMPLIANCE.—Any United States person who—

15 (1) has a branch or office in Northern Ireland,

16 or

17 (2) controls a corporation, partnership, or other

18 enterprise in Northern Ireland,

19 in which more than 20 people are employed shall take the
20 necessary steps to insure that, in operating such branch,
21 office, corporation, partnership, or enterprise, those prin-
22 ciples relating to employment practices set forth in section
23 5 are implemented and this Act is complied with.

24 (b) REPORT.—Each United States person referred to
25 in subsection (a) shall submit to the Secretary—

1 (1) a detailed and fully documented annual re-
2 port, signed under oath, on showing compliance with
3 the provisions of this Act; and

4 (2) such other information as the Secretary de-
5 termines is necessary.

6 **SEC. 5. MACBRIDE PRINCIPLES.**

7 The principles referred to in section 4, which are
8 based on the MacBride Principles, are as follows:

9 (1) Eliminating religious discrimination in man-
10 agerial, supervisory, administrative, clerical, and
11 technical jobs and significantly increasing the rep-
12 resentation in such jobs of individuals from
13 underrepresented religious groups.

14 (2) Providing adequate security for the protec-
15 tion of minority employees at the workplace.

16 (3) Banning provocative sectarian and political
17 emblems from the workplace.

18 (4) Advertising publicly all job openings and
19 undertaking special recruitment efforts to attract
20 applicants from underrepresented religious groups.

21 (5) Establishing layoff, recall, and termination
22 procedures which do not favor particular religious
23 groupings.

24 (6) Providing equal employment for all employ-
25 ees, including implementing equal and nondiscrim-

1 inatory terms and conditions of employment for all
2 employees, and abolishing job reservations, appren-
3 ticeship restrictions, and differential employment cri-
4 teria, which discriminate on the basis of religion or
5 ethnic origin.

6 (7) Developing training programs that will pre-
7 pare substantial numbers of minority employees for
8 managerial, supervisory, administrative, clerical, and
9 technical jobs, including—

10 (A) expanding existing programs and form-
11 ing new programs to train, upgrade, and im-
12 prove the skills of all categories of minority
13 employees;

14 (B) creating on-the-job training programs
15 and facilities to assist minority employees to ad-
16 vance to higher paying jobs requiring greater
17 skills; and

18 (C) establishing and expanding programs
19 to enable minority employees to further their
20 education and skills at recognized education
21 facilities.

22 (8) Establishing procedures to assess, identify,
23 and actively recruit minority individuals with poten-
24 tial for further advancement, and identifying those
25 minority individuals who have high management po-

1 tential and enrolling them in accelerated manage-
2 ment programs.

3 (9) Appointing a senior management staff
4 member to oversee the United States person's com-
5 pliance with the principles described in this section.

6 **SEC. 6. WAIVER OF PROVISIONS.**

7 (a) WAIVER OF PROVISIONS.—In any case in which
8 the President determines that compliance by a United
9 States person with the provisions of this Act would harm
10 the national security of the United States, the President
11 may waive those provisions with respect to that United
12 States person. The President shall publish in the Federal
13 Register each waiver granted under this section and shall
14 submit to the Congress a justification for granting each
15 such waiver. Any such waiver shall become effective at the
16 end of 90 days after the date on which the justification
17 is submitted to the Congress unless the Congress, within
18 that 90-day period, adopts a joint resolution disapproving
19 the waiver. In the computation of such 90-day period,
20 there shall be excluded the days on which either House
21 of Congress is not in session because of an adjournment
22 of more than three days to a day certain or because of
23 an adjournment of the Congress sine die.

24 (b) CONSIDERATION OF RESOLUTIONS.—

1 (1) Any resolution described in subsection (a)
2 shall be considered in the Senate in accordance with
3 the provisions of section 601(b) of the International
4 Security Assistance and Arms Export Control Act of
5 1976.

6 (2) For the purpose of expediting the consider-
7 ation and adoption of a resolution under subsection
8 (a) in the House of Representatives, a motion to
9 proceed to the consideration of such resolution after
10 it has been reported by the appropriate committee
11 shall be treated as highly privileged in the House of
12 Representatives.

13 **SEC. 7. DEFINITIONS AND PRESUMPTIONS.**

14 (a) **DEFINITIONS.**—For the purposes of this Act—

15 (1) the term “United States person” means any
16 United States resident or national and any domestic
17 concern (including any permanent domestic estab-
18 lishment of any foreign concern);

19 (2) the term “Secretary” means the Secretary
20 of Commerce; and

21 (3) the term “Northern Ireland” includes the
22 counties of Antrim, Armagh, Londonderry, Down,
23 Tyrone, and Fermanagh.

1 (b) PRESUMPTION.—A United States person shall be
2 presumed to control a corporation, partnership, or other
3 enterprise in Northern Ireland if—

4 (1) the United States person beneficially owns
5 or controls (whether directly or indirectly) more than
6 50 percent of the outstanding voting securities of
7 the corporation, partnership, or enterprise;

8 (2) the United States person beneficially owns
9 or controls (whether directly or indirectly) 25 per-
10 cent or more of the voting securities of the corpora-
11 tion, partnership, or enterprise, if no other person
12 owns or controls (whether directly or indirectly) an
13 equal or larger percentage;

14 (3) the corporation, partnership, or enterprise
15 is operated by the United States person pursuant to
16 the provisions of an exclusive management contract;

17 (4) a majority of the members of the board of
18 directors of the corporation, partnership, or enter-
19 prise are also members of the comparable governing
20 body of the United States person;

21 (5) the United States person has authority to
22 appoint the majority of the members of the board of
23 directors of the corporation, partnership, or enter-
24 prise; or

1 (6) the United States person has authority to
2 appoint the chief operating officer of the corpora-
3 tion, partnership, or enterprise.

4 **SEC. 8. EFFECTIVE DATE.**

5 This Act shall take effect 6 months after the date
6 of enactment of this Act.

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